

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Criminal No. 5:10-CR-32-BO-1
Civil No. 5:12-CV-452-BO

VIRGILLO PENALOZA,
Petitioner,

v.


UNITED STATES OF AMERICA,
Respondent.

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ORDER

Having conducted an examination of petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings and it appearing that dismissal is not warranted at this time, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty (40)** days of the filing of this order.

SO ORDERED. This 30 day of July, 2012.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE